

Parental Alienation International



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Preparing for a Custody Evaluation in Cases Involving Parental Alienation – Part 2

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Specific Issues Associated with Parental Alienation Cases

In the most general sense, the parent who is about to sit for a Custody Evaluation where parental alienation is present is presented with three dilemmas: (1) How to deal with false allegations of abuse, (2) How to deal with the profound distortion of history presented by the alienating parent, and (3) How to get the Evaluator to recognize that the falsely maligned parent is a victim of this, without presenting oneself as a victim. Each of these issues will be addressed individually.

1. Dealing With False Allegations of Abuse

Cases involving Parental Alienation virtually always involve false allegations of abuse. More specifically, the Targeted parent is mischaracterized in some negative manner that is inaccurate and is falsely vilified. Therefore, it is important to understand that the Evaluator, simply by being a Court appointed evaluator, is not necessarily capable of automatically seeing through the false accusations and distortions. Graduate training and post graduate training simply do not make one a better lie detector. Being human, the seasoned evaluator is potentially just as subject to biases in thinking as is your neighbor. It is a serious mistake to believe that he or she will see the truth on its own. This may occur, but it is a serious error to assume that it will. It is far safer to plan on the opposite. Therefore, assume that the Evaluator **does** believe a good bit of the negative material that they have been told. This assumption will orient one to the best attitude when meeting with the evaluator, and will temper any reaction to a question that could be misunderstood. For example, let us assume that you have been accused of being angry, violent and a “control freak.” Entering into the evaluator’s consultation office, with the assumption that the evaluator may very well believe this, will cause one to pay special attention to an even presentation. Such assumptions will sensitize you to any behaviors that could be easily misconstrued as anger, and a need to control. In cases where one has not seen a child due to false allegations of abuse, it is not unreasonable to be upset over this fact, however it is not safe to assume that the Evaluator will understand this. I have seen a great number of perfectly reasonable emotional reactions to such serious circumstances be misread as anger, thereby confirming the bias already planted by the other parent.

“Confirmatory Bias” is a term that refers to the tendency to look for, and give special weight to, perceptions that one has already been exposed to. Confirmatory bias is part of being human, is automatic and mostly unavoidable. The best one can do is to be aware of its biasing power, thereby reducing it. Confirmatory bias will incline one to look for familiar information that one may already have about a given subject, and to give that “confirming” information special weight. For example, if I am told that you are angry and threatening before we meet, and then when we do, you become loud and upset over realistic and upsetting circumstances, confirmatory bias will incline me to interpret your upset reaction to be due more to your tendency to be angry and threatening than to the truly upsetting circumstances that you have experienced. While it should be reasonable to assume that your custody evaluator should be very aware of this, such assumption is dangerous and unfounded. Most simply are not. It is a mistake to assume that your evaluator will be familiar with this. Therefore, it is best to govern oneself accordingly when with the evaluator by being mindful of this potential for confirmatory bias. The best orientation is to be even and calm in your presentation.

I believe that it is also wise to verbalize any fears about the evaluative process to the evaluator, trying to “connect” to him or her. Too often targeted parents will under describe themselves and recent circumstances out of a sense of caution, believing that whatever they say will be heard in a distorted manner. While it is understand-

able why a targeted parent may feel this way, already having experienced a barrage of this, it is generally better to err more on the side of candor than on the side of caution. It is best to present oneself in a candid and open manner including even your fears that the evaluator might already have a distorted view of you. More will be said of this later.

As the reader will see throughout this paper, the best method of “connecting” with the evaluator as well as conveying information in the most powerful manner is by telling stories about your experience with your family. Stories about one’s own experience, filled with emotion laded detail are by far and away the best method to deal with the specific challenges of the custody evaluation where parental alienation is present. In terms of dealing with false allegations of abuse, this is especially the case. Not surprisingly, a story is the best way to convey this.

Let us assume that you are involved in a custody dispute with your spouse, who has, with some success, convinced the “system” that you are potentially dangerous, unstable and are likely to put your children in peril if left alone with them. Let us assume that your spouse has gone to the court alleging vague, but clear allegations that you are not as you appear; that you are very “smooth” on the surface, but an angry and threatening person when you do not get your way, and when no one in authority is looking. As your spouse is describing the alleged dangers, please notice that the most effective parts of her presentation to the court are the examples or “stories” that support these claims. If you watch closely, you will notice that the Judge becomes emotionally engaged to the point of ordering, say a Protective Order on a temporary basis, when he or she is moved by some specific incident or story about your alleged behavior. Its truth or falseness is seldom seriously tested in these preliminary hearings. That is reserved for the later evidentiary hearing. Rather, the court is moved to issue its Order, solely by the “story” it is told. Pure and simple. This is a relatively easy message to “sell” to the court in that the court has a bias of protecting children from potential danger. Therefore, it is not uncommon for such allegations to be acted on by the court, in the absence of evidence to support these claims.

So the challenge is, “What story can you offer to the evaluator that can clear up the misinformation or bias that has already been presented?” In my experience, it appears that what I refer to as the “small stories” that convey your gradual marginalization in your children’s lives can be the most effective way to convey your experience, as well as who you are. These “small stories” might include the feeling of being ostracized by school personnel when you walk into the school office in an effort to find out about and become involved in your children’s school activities. Such stories might describe, with some detail, what it feels like to attend a parent – teacher function where the sea of other parents seems to silently part to make way for you, with no greeting uttered to you by anyone.

Alternatively, if the allegation against you has some basis in an actual experience that occurred, albeit distorted beyond recognition, the story could be about what actually happened in the alleged incident, so as to reveal your vulnerability to being vilified. Take for example, a dad who, newly separated from his wife and children, finally gets to see them in a therapists office after a long court ordered separation. Let us assume that the dad arrives at the therapists office and as he pulls into the parking lot of the office, he sees that his children, whom he has not seen in 60 days, are getting out of their car with their mother when he arrives. The dad, overcome with the joy of finally seeing his children, goes up to their car and attempts to hug them, at which point the mother becomes agitated and angry, instantly upsetting the children who begin to cry out of fear and confusion. Mom and the kids rush into the therapy office and are greeted by the therapist who is then told that the father angrily approached them in the parking lot in a threatening manner. Since the therapist has not met the dad, he or she is likely to accept this on its face. The therapist then has them go into his or her office, and then goes into the parking lot where the dad is standing confused, frustrated and emotional. The therapist conveys the threat to the dad who then becomes more upset, which the therapist then interprets as confirmation of the mother’s claim. The therapist then asks the father to leave, which he does.

Back to the present task, you may assume that your evaluator has been told the story conveyed above and now endorsed by the therapist as well as the mother. The challenge at hand is to describe to the evaluator what actually happened in this “incident,” in a manner that allows and invites him or her to step into your experience of what actually happened. The dad can best do that by describing, in considerable detail, his internal emotional state prior to and upon arrival at the therapists office. Des should describe his nervousness about seeing his children for the first time in the therapists office. He should describe how his nervousness and anticipation gave way to his joy of finally seeing his children in the parking lot. He should describe what it has felt like to not see his children for 60 days for illegitimate reasons. He should describe how whenever he finds or picks up a piece of say, clothing of one of his children when he is doing the laundry, the deep feeling of sadness and loss that he experiences repeatedly on a daily basis. He should describe how he awakes at night wondering what his children are doing, and what they are thinking. He would do well to then describe, again in very specific terms, experiences that he has had with each child prior to separation. These examples should be selected to display the patience and unconditional love that he feels when being with his children, even when their behavior was challenging. This dad might also select examples of how he may have made errors of judgment in the past, and how he addressed that with his children.

All of these examples and stories should be specifically selected to convey the experience of being falsely accused and exactly what this feels like. The stories should be selected to allow and encourage the evaluator to step into this parent’s subjective experience of these injustices and losses, emphasizing not the feeling of anger, but the more profound underlying feelings of sadness and loss. These “small stories,” the ones that occur very often when one is alone, digesting the reality of these profound losses, should not be omitted, but rather should be presented to the evaluator whenever possible.

2. Dealing with the Rewriting of History

Parental Alienation cases are notorious for the alienating parent’s rewriting of history. This rewriting process has certain themes. The first of these is that these distortions downplays or even completely deny the quality of the relationship that had existed between the targeted parent and the now alienated child. Again, while bias and a negative portrayal of one’s divorcing partner are common in divorces not involving Parental Alienation, the degree of distortion and outright confabulation is striking when Parental Alienation is present. In cases where Parental alienation is present, events that simply did not occur at all will be completely manufactured. Events that did occur will be absolutely denied, and other third party witnesses will be likewise manufactured and scripted to have said things that never were spoken. Evaluator’s understand well that normal distortions of truth are present in all divorces and that bias and exaggeration is part of the emotional climate. However the complete creation of another alternate reality, or alternate history that may be characteristic of cases with Parental Alienation, are not as obvious to the Evaluator as you believe they should be. Therefore, **it is important to spend extra time explaining and describing specific examples and incidents that credibly show the reality of the earlier pre-separation parent-child relationship.** This challenge of recognizing and dealing with the profound distortions of history that are ubiquitous in cases involving Parental Alienation, cannot be stressed enough. Consistent with the above advice regarding the false allegations of abuse, assume nothing. If anything, assume that the Evaluator is more inclined to believe the alienating parent, who now may have the children agreeing with them, rather than with you. It is therefore imperative to arm yourself with carefully selected indisputable evidence of the reality of the relationship that you once had with your children.

Considerable time should be spent in the selection of specific anecdotal examples that clearly convey your true relationship with you and your children prior to the separation. Care should be given to select poignant examples and stories that reveal the depth of the relationship and your closeness to your children. Again, I wish to strongly recommend conveying this information through the telling of stories about you and your children. This method of storytelling is much more emotionally evocative to the evaluator, and this therefore far superior to

describing your relationship in more abstract terms. For example, if I describe a “close relationship with my son since he was first born,” versus “my son would always come to my side of the bed when he was little after he had a nightmare,” the word picture of the latter will more likely resonate with the evaluator. By providing numerous stories such as these, the evaluator will have a more difficult time explaining the how’s and why’s about the relationship changing. If however, all he or she has are abstract observations, the question of exactly why the relationship changed, is more easily glossed over and forgotten.

Related to this, it is also recommended that you assemble and present various “artifacts” of the relationship that you have had with your children. Examples of this would be photo albums, awards associated with you involvement with your children, notes that address aspects of your relationship with your children, and the like. It is wise to be reminded that the purpose of this attempt at a graphic portrayal of your pre-separation life with your children must be vivid enough to trump and call into question the distorted view provided by the other parent. The targeted parent is virtually always portrayed as being a defective parent. The themes of this may vary from being under-involved and disinterested to being overly involved, tyrannical, controlling and abusive. It is important, therefore to have a clear picture of what you are being falsely accused of being, and to make certain that the falseness of these accusations is made clear through what and how you present your story to the evaluator. For example, if I have been accused of being angry and potentially frightening to my children, it would be most meaningful to select examples, artifacts and stories which are targeted at demonstrating the absence of these characteristics. Examples of this might, be descriptions of one’s actions at say, a school outing as a chaperone for a school field trip where you were put in charge of the safety of multiple children, obviously requiring significant patience. Collateral input from other parents or school personnel on the field trip should also be included with this to corroborate and support this.

3. Dealing with the Presentation of Being a Victim of Alienation

The third thematic issue relates to somehow conveying the reality of being a victim of the distortions described above, but doing so without appearing to be a chronic victim oneself. It is important to understand that one may in fact be the victim of a terrible event, but that this does not necessarily lead to having a “victim mindset.” The problem with the victim mindset is that these chronic victims do not take responsibility for their own behavior, and do so in a patterned way. They tend to blame others for their situation in both general and specific senses, and this mindset or psychological orientation is a significant red flag to mental health professionals. Therefore, one is wise to be sensitive to the differences between having been victimized by the misrepresentations and vilification described above, but still taking responsibility for one’s own missteps. I believe that the most reliable strategy to employ in this situation is once again, simple candor.

I have heard from many clients over the years that their lawyers have advised them against saying anything critical about the other parent, that doing so would cast them in the victim role. While one can certainly understand the concern conveyed through this advice, the danger in not being candid about essentially “being framed” is that the evaluator is left only hearing the negative and alarming things said by the alienating parent. Therefore, it is my opinion, as a former evaluator, that it is best to hear the other side of the story, and that sorting out who is most culpable can be evaluated after both versions of the story are related. That said, I also believe that there are certain ways to do this that are more effective than others. For example, if a parent tells the evaluator that they are risking that the evaluator will think ill of them by describing what is to be described, but that it is “worth the risk” in order for the truth to be revealed, this expression of vulnerability will be better digested by the evaluator than saying nothing or relentlessly attacking the other party. By issuing this kind of “disclaimer” a certain connection between the parent and the evaluator is more likely made. This kind of connection, or communicative intimacy should be the goal of the parent within the evaluative context, that is, to connect as much as possible, on a personal level, with the evaluator.

Finally, Storytelling

It has been observed by many experts from diverse fields that we humans are storytelling creatures in our nature. Anthropologists have catalogued the thousands of oral tales told from generation to generation for hundreds of thousands of years. With the advent of literacy, the stories became recorded but the storytelling process did not slow down.

The living of one's life can be effectively understood as consisting of a series of interlacing stories of, by, and about one. The great criminal attorney, Gerry Spence maintains that to be successful in court, one must find the story within the case and then effectively tell it. I believe that all of this is accurate, important and germane to this subject of presenting your information to the evaluator. Therefore, when you are meeting with your evaluator, it becomes your job to find ways to effectively tell the story of your family. Therefore when you are asked the kinds of questions that one finds in such evaluations, try to approach them as springboards for telling your story to the evaluator as expressed in specific stories about your family.

But storytelling is an art. We all know those who are good and spellbinding storytellers and those who are not. When closely examined, we find that the storytelling craft is a practiced art, so it is reasonable to practice your stories before your evaluation. It is important to emphasize again, that the information that you need to convey to the evaluator does not simply and obviously "fall out" of the answers that you provide to his or her questions. The presentation of the story should be to some degree scripted. You should spend time selecting the specific antidotal stories that you use as being illustrative of your story, and then you should practice telling it. As with any scripted presentation, practice and feedback are essential. Therefore, as preparation for your meetings with the evaluator, tell your stories to a trusted friend, or loved one and ask for feedback.

A brief story is perhaps the best way to illustrate this. Take for example, the evaluator's likely questions, "What concerns you most about the other parent?" For the sake of this story, let us assume that your concern is that the other parent is too harsh, controlling and punitive. Conventional wisdom might suggest that you respond with something like, "I think she loves the children, but she is very harsh." While this adequately conveys the message of your perspective on this issue, it does so in both a minimal and abstract manner. Abstraction is however mostly devoid of emotion, and it is through emotion that the story teller connects with his or her audience. Compare this abstract response above to something like, "Last Saturday our son had his last soccer game, and they won, and he was so excited that he left his soccer cleats in his friend's mother's car. When his mother found this out, she began screaming at him in front of his friends and he began to cry and finally said, 'why does mommy hate me?'" This later story creates what storytelling experts call "word pictures," which contains emotion, meaning and context. But not only does it provide an answer to the question, but it does so through the vicarious experience of the audience (evaluator). The evaluator becomes part of the story as he is vicariously "at" the soccer field experiencing the incident. Even beyond that, this brief two sentence story inclines the audience (evaluator) to identify with (1) the devastation of the child as well as with (2) the helplessness of the on looking parent. It conveys much more information than the conventional answer in the abstract, and it potentially creates emotional resonance within the evaluator. Therefore, developing your storytelling craft and pre-selecting specific experiences lived within the story life of your family, vastly increases the likelihood that your evaluator will connect with your story (and with you) more deeply and more quickly.

In cases involving parental alienation, where the targeted parent has been falsely yet effectively vilified within their community, such story telling may seem counterproductive, since drawing attention to the negative allegations might somehow seem to give them weight. This is the position that I have heard many attorneys take. In my experience, the opposite is however more likely to be the case. Take for example the parent who has been wrongly accused of having been abusive or violent in the past, and that such violence has caused a child to not want to see them. This is a very common theme in parental alienation cases. How is one to best respond to this

situation? If a parent simply shows themselves not to be prone to the behavior that is being falsely alleged, that might seem an adequate response, especially when all the collateral sources support the absence of such behavior. In fact this may be adequate. However, while it may be minimally adequate, is typically not adequately convincing to the evaluator who is charged with essentially guaranteeing that such violence did not occur. This a very high threshold of belief for evaluators, and simply being calm and not agitated when meeting with him or her, is not typically enough to get to this threshold.

Let us compare this minimal response of being calm and not flustered and measured versus this targeted parent relating a very personal story when he first learned of having been falsely accused and learning that their child also began to see him through these eyes. To illustrate this, a specific example will be helpful. Let us imagine a father, who is also the soccer coach for his young son. Let us further assume that this father learns from his assistant coach, who is the father of his son's best friend, that he was told by his son that some time in the past that the father in question (the targeted parent) had become angry at a store clerk and had threatened to beat him up, causing him to be ejected from the store by a security guard. Let us assume that the assistant coach goes on to describe how his own son began to wonder if his coach was some ticking time bomb, who was easily capable of violence. Let also assume that the coach's son had been exposed to many false veiled and direct accusations by and through his mother, that his father was a secretly violent man who should be feared. This story of the father's boiling temper was only the latest in a string of many such stories and accusations.

Like most of these stories, there is a grain of truth that becomes distorted and transformed beyond recognition. For the sake of our illustration, let us assume that what had actually happened was that the coach-father had been in the store and a clerk had become very rude and even verbally abusive to the man in front of him in the check out line. As the vitriol increased, the coach-father began to come to the aid of the man in the line in front of him, whom he quickly surmised, did not speak English. As the father attempted to intercede on the non-English speakers behalf, the store clerk became more agitated and loud, drawing attention to the situation, leading to a security guard stepping in, who recognized that it was the clerk who was rude and angry. While it is true that the father-coach did raise his voice as did the clerk, leading to an intervention by a security guard causing the father chose to leave the store due to the clerk's rude treatment, it is patently untrue that the father-coach was the unreasonable, violent, threatening party and ultimately was the ejected party. As this father relates the specific details of this story to the evaluator, he reveals how he was mis-portrayed, how his own son perhaps began to wonder about his own father, and how this vague sense of alarm about him was beginning to move into the general atmosphere of his son's world. A few more carefully selected examples of this dynamic described to the evaluator, each creating its own "word picture" in the evaluator's memory, is far more likely to resonate within the evaluator's understanding than would be the case if these stories were not provided.

The telling of the story, whereby the evaluator is able to step into the "word picture" of the parent's experience, adds depth to their understanding of what has happened not only in the particular incident described, but potentially with the entire case. Such stories display the nature of the distortion, its propagation, and its effect. It allows the evaluator to potentially identify, in this latest example, with this father's helplessness in watching his son being turned against him, and being falsely accused. In addition to the abstract description noted above, such story telling creates far more resonance within the audience (evaluator) than if it was not included. This cannot be emphasized enough.

Conclusion and Summary

The evaluative process for the targeted parent where parental alienation is involved, is frightening and overwhelming. The observations and analyses presented in this discussion are meant as aides in presenting the truth in a compelling and candid manner in a context riddled with bias against you.

To sum up, there are three themed problems present in custody evaluations where Parental Alienation are present:

1. The problem of correcting distortions about you and your personality and behavior. One should approach this head on and not avoid it
2. The problem of dealing with the distortion of your family's history. This too should be dealt with directly.
3. The problem of presenting oneself as being a victim of this campaign against you without appearing to be a chronic victim is discussed.

The evaluator's role and his or her relationship to you as an evaluator is discussed in terms of the evaluator's own bias. Recognition of this bias as well as recognition of the evaluator's realistic limitations is the first step in managing them.

The principles of connecting with the evaluator on a deep and intimate level are best achieved by not only recognizing these biases, but by working with them. It is suggested that carefully selected stories and artifacts that support them, be used throughout the evaluative process to (1) connect with the evaluator on a personal level, as well as to (2) create emotional resonance for your story within the evaluator. It is suggested that the parent in the "target" position, be candid with the evaluator regarding not only the factual matters, but also about their fears regarding the case and the evaluative process.

While these evaluative experiences are challenging, application of these tools can help to reveal the distortions and expose the truth. While there is no fool proof strategy or formula, these strategies can help to push against the bias against you, in the furtherance of conveying the truth. ■

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